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November 30, 2021

VIA ECF

Honorable Stewart D. Aaron
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application GRANTED. SO ORDERED.
Dated: December 1, 2021

Re: Chepilko v. City of New York, et al.,
18-CV-2195 (ALC) (SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York, Police Officer Scott Henry, and Sergeant Tarakur Chowdhury in the above-referenced matter. I write to respectfully request: (1) a three-week enlargement of time — from November 30 until December 21, 2021 — for defendants to comply with the Court's Order dated November 10, 2021 (Docket Entry No. 58); and (2) a one-week enlargement of time — from November 30 until December 7, 2021 — to fully comply with the Court's October 20, 2020 Order (Docket Entry No. 45). The undersigned e-mailed and called plaintiff on the date hereof to request his consent to both enlargement requests but, as of this writing, has not received a response. Accordingly, both requests are made without plaintiff's consent.

On November 10, 2021, the parties appeared at a telephonic conference before Your Honor. Thereafter, the Court ordered defendants to search for and produce to plaintiff copies of any Freedom of Information Law ("FOIL") requests made by plaintiff to the NYPD in March 2017 and any responses thereto, by November 30, 2021. (*Id.*) During the November 10, 2021 conference the Court stated that it may be inclined to grant defendants a brief extension of that deadline, if necessary.

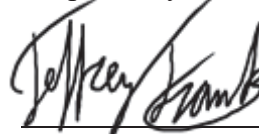
This Office has made reasonable efforts to locate plaintiff's alleged FOIL requests but we do not expect further information for at least two weeks. Accordingly, defendants request a three-week extension of time to obtain any documents responsive to the Court's November 10, 2021 Order and provide the same to plaintiff, or confirm that no such documents could be located.

On October 20, 2020, the Court ordered defendants to provide to plaintiff affidavits setting forth the contents of the logbook entries of defendants Henry and Chowdhury, as well as non-parties Sgt. Wilmer Marquez, Sgt. Mark Kwon and PO Frank Peeters, at or before the time they file their anticipated motion for summary judgment. (Docket Entry No. 45) Because defendants' motion for summary judgment is due November 30, 2021, the affidavits setting forth the contents of the five officers' logbook entries are also due November 30, 2021. As of this writing, plaintiff has been provided with the signed declarations of defendant Chowdhury and non-parties Marquez, Kwon, and Peeters. However, the undersigned has not yet received a signed declaration from defendant Henry. Accordingly, defendants request a one-week extension¹ of time to obtain defendant Henry's declaration and provide the same to plaintiff.

Accordingly, defendants respectfully request: (1) a three-week enlargement of time, until December 21, 2021, to obtain any documents responsive to the Court's November 10, 2021 Order and provide the same to plaintiff or confirm that no such documents could be located; and (2) a one-week extension of time, until December 7, 2021, to provide plaintiff with defendant Henry's declaration setting forth the relevant contents of his logbook entries.

Defendants thank the Court for its consideration of this matter.

Respectfully submitted,



Jeffrey F. Frank
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL AND E-MAIL**
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¹ Importantly, defendants' summary judgment motion does not rely upon any of the above-mentioned logbook entries. Thus, the requested one-week extension would not prejudice plaintiff in his preparation of his opposition brief, which is due December 30, 2021.